



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re patent application of: Marc J. SABOURIN

Application No.: 08/907,687

Examiner: M. Alvo

Filing Date: August 8, 1997

Group Art Unit: 1731

For: **Method of Pre-treating Lignocellulose Fiber Containing  
Material for the Pulp Making Process**

Mail Stop Appeal Brief – Patents  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO NOTICE OF NON-COMPLIANCE WITH 37 C.F.R. §1.192(C)**

In reply to the Notice of Non-Compliance mailed July 2, 2003, Applicant encloses herewith, in triplicate, a revised Appendix to the Brief originally filed effective January 21, 2003, with new pages numbered 24–28 as substitutes for original pages 24-27.

**Mail Certificate**

I hereby certify that this correspondence and the attachments herein is being deposited on the date below with the United States Postal Service as First Class Mail in an envelope addressed to "Mail Stop Appeal Brief – Patents, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450."

Signature:

A handwritten signature in black ink, appearing to read "James Ristas".

L. JAMES RISTAS

Reg. No. 28,663

Date August 4, 2003

In response to the Examiner's inquiry regarding a related patent case, mentioned by Applicant's attorney during a telephone interview (June 26, 2003), U.S. Patent No. 5,776,305 is the relevant patent. Applicant mentioned this as the patent directed to the so-called "RTS" thermal mechanical pulping process, in which a particularly effective combination of a high preheat pressure (above 75 psig), a short preheat retention time, and a high speed refining disc rotation of greater than 1500 rpm for a double disc refiner or greater than 1800 rpm for single disc refiner operating at a pressure above 75 psig, was described and claimed.

As explained in Applicant's Brief, the subject invention is directed to a novel pre-treatment upstream of the preheating and refining, comprising conditioning and compressing the feed material in a saturated steam environment in the range of 10-25 psig or 15-25 psig. The combination of the pre-treatment to which the present invention is directed, with the RTS preheat/refining that is the subject of U.S. Patent No. 5,776,305, is particularly advantageous. However, Applicant's invention is more broadly applicable to the combination of the novel pre-treatment (conditioning and compressing) in an environment of saturated steam at elevated pressure, with a wider range of thermal mechanical refining than the RTS type refining associated with allowed independent claim 36.

Applicant's independent claim 29 encompasses such combination for all thermal mechanical pulping, but with certain specific recitations regarding the compressing feature of the novel pre-treatment.

Applicant's independent claim 31 is also directed to a broad range of thermal mechanical pulping, wherein the preheating downstream of the pre-treatment is in an environment of saturated steam at a pressure higher than the pressure of the environment where the feed material is compressed as part of the novel pre-treatment, and similarly, the preheated material must be conveyed to the inlet of a primary disc

refiner operating at a higher pressure than the pressure in the environment which the compressing associated with Applicant's pre-treatment was accomplished.

Applicant's inventive concept underlying all of the independent claims, as emphasized in the Brief, is directed to the sequence of pre-treatment, preheating, and thermal mechanical refining, wherein the recited features of the pre-treatment are performed in an environment of saturated steam at a specified elevated pressure range. None of the prior art cited by the Examiner shows any form of pre-treatment upstream of the refiner preheater, performed at any substantial pressure above atmospheric. Applicant should be afforded the full scope of his inventive concept as defined in independent claims of varying scope (e.g., claims 29, 31 and 36), and such scope should not be arbitrarily limited to an independent claim that is associated only with the preferred embodiment.

Furthermore, inasmuch as claim 36 has been allowed, claim 24, which depends from claim 36, should also be allowed.

Respectfully submitted,

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Enclosures